

Applicant: Middelhoeck et al.
Application No.: 10/568,113
Filing Date: February 13, 2006
Docket No.: 903-181 PCT/US

D. Remarks/Arguments:

Claims 16-31 are currently pending in this application. Claim 28 has been amended and claim 31 has been added. Original claim 28 was directed to both an apparatus and a method. Applicant has amended claim 28 such that it is directed to an apparatus, and has added new claim 31, which is directed to a method. Since amended claim 28 and new claim 31 were previously set forth in claim 28, Applicant asserts that no new matter has been added.

In the Office Action, the Examiner has allowed claims 16-27 and 29-30.

The Examiner stated that the title of the invention was not descriptive. Applicant has amended the title to be more clearly indicative of the invention to which the claims are directed. Applicant respectfully submits that the title as currently amended is sufficiently descriptive.

The Examiner objected to the Abstract as not setting forth the nature and gist of the invention. Applicant has herewith amended the Abstract, such that it more sufficiently sets forth the nature and gist of the invention as claimed. Applicant respectfully submits that the Abstract as currently amended sufficiently sets forth the nature and gist of the invention.

The Examiner has rejected claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 28, as previously presented, was directed to both an apparatus and a method. In addition, the Examiner objected to claim 28, since "one of the preceding claims" was vague. Applicant has amended claim 28 to be directed to an apparatus. Applicant has also removed the language "which, in accordance with a method according to one of the preceding claims." Applicant respectfully submits that claim 28 as currently amended is allowable.

In addition, Applicant has added new claim 31, which is substantially similar to amended claim 28, except that new claim 31 is directed to a method and is dependent on allowed claim 16. Applicant respectfully submits that new claim 31 is allowable.


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Finally, the Examiner has required Applicant to recite all references that are discussed in the specification in IDS form. Applicant is submitting an Information Disclosure Statement reciting all references concurrently with this Amendment.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,


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